

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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COURCHEVEL 1850 LLC,

Plaintiff,

-against-

ANNE M. FONTAINE, LINDA POLISTIN, SOUTH  
NASSAU COMMUNITIES HOSPITAL, JOHN DOE 1  
through 12,

Defendants.  
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**APPEARANCES:**

**The Margolin & Weinreb Law Group, LLP**

*Counsel for the Plaintiff*

165 Eileen Way, Suite 101

Syosset, NY 11791

By: Alan H. Weinreb, Esq.

Alan Smikun, Esq.

**NO APPEARANCES:**

*The Defendants*

**SPATT, District Judge.**

On January 4, 2017, the Plaintiff, Courchevel 1850 LLC (the “Plaintiff”), commenced this diversity mortgage foreclosure action under Article 13 of the New York Real Property Actions and Proceedings Law against the defendants, Anne M. Fontaine, Linda Polistin, South Nassau Communities Hospital, and John Does 1 through 12 (together, the “Defendants”) seeking to foreclose its security interest in a parcel of real property located at 128 Patterson Avenue in Hempstead, New York (the “Premises”). By this action, the Plaintiff seeks a declaratory judgment establishing the parties’ respective rights and obligations in and to the Premises.

On March 15, 2017, the Clerk of the Court noted the default of the Defendant.

**FILED  
CLERK**

2:10 pm, Jan 22, 2018

**U.S. DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
LONG ISLAND OFFICE**

**ADOPTION ORDER**

17-cv-0048 (ADS) (AYS)

On May 30, 2017, the Plaintiff moved for a default judgment.

On May 31, 2017, the Court referred this matter to United States Magistrate Judge Anne Y. Shields for a recommendation as to whether the motion for a default judgment should be granted, and if so, what relief should be awarded.

On January 2, 2018, Judge Shields issued a Report & Recommendation (“R&R”) recommending that (1) that judgment of foreclosure and sale be granted; (2) that this Court provide the Plaintiff fourteen (14) days from the date of the R&R to show good cause for its failure to timely serve John Does 1 through 12 or seek their voluntary dismissal ; (3) that the Court appoint a Referee to conduct the sale of the mortgaged premises; (4) that damages be awarded in the amount of \$94,524.24; and (5) that default judgment also be entered against Linda Polistin and South Nassau Communities Hospital and their interest in the Premises be terminated.

More than fourteen (14) days have elapsed since service of the R&R on Anne Fontaine, Linda Polistin and South Nassau Communities Hospital, who have failed to file an objection.

Pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, this Court has reviewed the R&R for clear error, and finding none, now concurs in both its reasoning and its result.

Accordingly, the R&R is adopted in its entirety, and the Plaintiff’s motion for a default judgment is granted. The Plaintiff is instructed to submit three persons for selection by the Court to appoint as referee for the sale of the mortgaged premises, within thirty days. The Plaintiff shall also submit, by the same date, curriculum vitae of the three prospective referees demonstrating their qualifications for appointment as referee in this matter. The Clerk of the Court is respectfully directed to (1) enter judgment in favor of the Plaintiff in the amount of

\$94,524.24; (2) voluntarily dismiss John Does 1 through 12; and (3) administratively close this case pending the appointment of a referee.

**SO ORDERED.**

Dated: Central Islip, New York  
January 22, 2018

/s/ Arthur D. Spatt  
ARTHUR D. SPATT  
United States District Judge